

By the Committee on Criminal Justice; and Senator Brandes

591-01945-18

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1 A bill to be entitled
2 An act relating to alcohol and drug-related overdoses;
3 amending s. 893.21, F.S.; prohibiting the arrest,
4 charging, prosecution, or penalizing under specified
5 provisions of a person acting in good faith who seeks
6 medical assistance for an individual experiencing, or
7 believed to be experiencing, an alcohol or a drug-
8 related overdose; prohibiting the arrest, charging,
9 prosecution, or penalizing under specified provisions
10 of a person who experiences, or has a good faith
11 belief that he or she is experiencing, an alcohol or a
12 drug-related overdose; prohibiting a person from being
13 penalized for a violation of a condition of certain
14 programs if that person in good faith seeks medical
15 assistance for an individual experiencing, or believed
16 to be experiencing, an alcohol or a drug-related
17 overdose; prohibiting the protection from arrest,
18 charge, and prosecution for certain offenses from
19 being grounds for suppression of evidence in other
20 criminal prosecutions; providing an effective date.

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22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Section 893.21, Florida Statutes, is amended to
25 read:

26 893.21 Alcohol and drug-related overdoses; medical
27 assistance; immunity from arrest, charge, and prosecution.-

28 (1) A person acting in good faith who seeks medical assistance
29 for an individual experiencing, or believed to be experiencing,

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30 an alcohol or a drug-related overdose may not be arrested,
31 charged, prosecuted, or penalized pursuant to this chapter for a
32 violation of s. 562.111, s. 782.04(1)(a)3., s. 893.13, s.
33 893.135, or s. 893.147, possession of a controlled substance if
34 the evidence for such offense possession of a controlled
35 substance was obtained as a result of the person's seeking
36 medical assistance.

37 (2) A person who experiences, or has a good faith belief
38 that he or she is experiencing, an alcohol or a drug-related
39 overdose and is in need of medical assistance may not be
40 arrested, charged, prosecuted, or penalized pursuant to this
41 chapter for a violation of s. 562.111, s. 893.13, s. 893.135, or
42 s. 893.147, possession of a controlled substance if the evidence
43 for such offense possession of a controlled substance was
44 obtained as a result of the person's seeking the overdose and
45 the need for medical assistance.

46 (3) A person acting in good faith who seeks medical
47 assistance for an individual experiencing, or believed to be
48 experiencing, an alcohol or a drug-related overdose may not be
49 penalized for a violation of a condition of pretrial release,
50 probation, or parole as a result of the person's seeking medical
51 assistance.

52 (4) ~~(3)~~ Protection in this section from arrest, charge, and
53 prosecution for an offense listed in this section possession
54 offenses under this chapter may not be grounds for suppression
55 of evidence in other criminal prosecutions.

56 Section 2. This act shall take effect July 1, 2018.